# 14 Red for Refud V/3/03

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
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## **Application Number** 09/851,650 Filing Date TRANSMITTAL May 8, 2001 First Named Inventor **FORM** Philip J. BARR Art Unit 1652 (to be used for all correspondence after initial filing) **Examiner Name** Kathleen M. Kerr Attorney Docket Number 300622001610 Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance Communication Fee Transmittal Form Drawing(s) to Group Appeal Communication to Board of Licensing-related Papers Fee Attached Appeals and Interferences Appeal Communication to Group Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final **Provisional Application** Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Extension of Time Request Terminal Disclaimer identify below): Request for Refund (4 pages, **Express Abandonment Request** Request for Refund including a copy of the Fee Transmittal and a copy of the CD, Number of CD(s) Information Disclosure Statement Petition for Extension) Return Receipt Postcard Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ Incomplete Application **CUSTOMER NO. 25225** Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm **MORRISON & FOERSTER LLP** Brenda J. Wallach - 45,193 Individual name Breuda Wallach Signature October <u>24</u>, 2003 Date I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 329147014 US. in an envelope addressed to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown Dated: October . 2003 Signature: (Diane Blevins)

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 329147014 US, in an envelope addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2003.

Diane Blevins

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Philip BARR, et al.

Serial No.: 09/

09/851,650

Filing Date:

May 8, 2001

For:

PRODUCTION OF POLYKETIDES IN

BACTERIA AND YEAST

Examiner: Kathleen M. Kerr

Group Art Unit: 1652

## REQUEST FOR REFUND UNDER 37 C.F.R. § 1.28

Mail Stop 16 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is a request for a refund of one-half of the extension for reply within third month fee paid via an authorization to charge deposit account No. 03-1952 on July 28, 2003 in the above identified application. Attached is a copy of the Fee Transmittal form and Petition for Extension of Time filed via Express mail, Airbill No. EV 273019357 US, which authorized the U.S. Patent and Trademark Office (PTO) to debit the subject deposit account \$930. Applicant understands based on a phone call with a clerk at the PTO that a fee of \$930.00 was charged to the designated deposit account.

Please be advised, due to a clerical error, the attached forms submitted on July 28, 2003 did not reflect the "Small Entity" status of Applicant. Applicant hereby asserts under 37 C.F.R. § 1.27(c) small entity status, as previously asserted at the time of filing of the subject application by payment of the small entity basic filing fee. Accordingly, Applicant now requests in accordance with 37 C.F.R. § 1.28, a refund in the sum of \$465.00) which reflects one-half of the extension for reply within third month fee, be paid to our **Deposit Account No. 03-1952**, **reference Docket No. 300622001610**.

Respectfully submitted,

Dated: October 24, 2003

By:

Brenda J. Wallack, Ph.D.

Patent Agent

Registration No. 45,193

Morrison & Foerster LLP 3811 Valley Centre Drive

Suite 500

San Diego, California 92130-2332

Telephone: (858) 720-7961 Facsimile: (858) 720-5125

PTO/SB/17 (01-03) Approved for use through 04/30/2003. OMB 0651-0032

FEE TRANSMITTAL for FY 2003  Application Number	Under the Paperwork Reduction Act of 1995, no persons are	require	d to resp	ond to	a collect				AB control ne	
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BMITTED BY  The (Print/Type) Brenda J. Wallach  Registration No. (Attorney/Agent) 45,193  Telephone (858) 720-7961  Date July 28, 2003  Telephone (858) 720-7961  Date July 28, 2003  Telephone (858) 720-7961  Date July 28, 2003	(4) (4)	*Red	luced by	Basic F	iling Fee	Paid	SUBTO	TAL (3) (\$)	930.00	
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Insture  Brenda J. Wallach  (Attorney/Agent)  Parenda J. Wallach  (Attorney/Agent)  Parenda J. Wallach  Date  July 28, 2003	SUBMITTED BY	Paris	tration M	<u>.</u> Т.:				T		
ereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 273019357 US, an envelope addressed to: Commissioner for Ratents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	Name (Print/Type) Brenda J. Wallach				5,193	<del>-</del>	Telephone	· · · · · · · · · · · · · · · · · · ·	1 	
ereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 273019357 US, an envelope addressed to: Commissioner for Ratents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	Signature Brenda Mai	les	eh				Date	July 28, 2003		
an envelope addressed to: Commissioner for Ratents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	7,5									
an envelope addressed to: Commissioner for Ratents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	I hereby certify that this correspondence is being deposited	with th	e U.S. F	Postal	Service	as Expres	is Mail, Airt	ill No. EV 2730193	357 US,	
(Diana Blavins)	in an envelope addressed to: Commissioner for Ratents, P.	O. Box	( 1450,	Alexan	dria, V	A 22313-1	1450 on the	date shown below	v.	
ned: July 26, 2003 Signature.	Dated: July 28, 2003 Signature:	15/				(Diane Ble	evins)			